

Exhibit A

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE:

CERTIFIED COPY

BROADBAND OFFICE, INC.,)
)
 Debtor.)

-----)
BROADBAND OFFICE, INC.,)
)
 Plaintiff,)

vs.)

TECHNOLOGY CREDIT)
CORPORATION d/b/a EXTREME)
NETWORKS CREDIT CORPORATION,)
and EXTREME NETWORKS, INC.,)
and KEY EQUIPMENT FINANCE,)
INC., f/k/a KEY CORPORATE)
CAPITAL, INC. f/k/a)
LEASETEC CORPORATION,)
)
 Defendants.)
-----)

CIVIL ACTION NO.
04-407 (GMS)

BANKRUPTCY CASE NO.
01-1720 (GMS)

CHAPTER 11

DEPOSITION OF JAMES HARTIGAN

DATE: December 18, 2006

TIME: 1:38 p.m.

LOCATION: Pulone & Stromberg
Certified Shorthand Reporters
1550 The Alameda
Suite 150
San Jose, California 95126

REPORTED BY: Irene A. Resler
Certified Shorthand Reporter
License Number C-7685

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1 Q. Okay. Is it safe to say that since 1983 you've
2 been involved in the leasing business with an emphasis
3 on technology leasing?

4 A. Yes, it is.

5 Q. How would you describe what Technology Credit
6 Corporation does?

7 A. Technology Credit Corporation is a lease broker
8 of leases primarily on high technology equipment.

9 Q. Are you familiar with the lawsuit that's been
10 filed here?

11 A. I know of it, yes.

12 Q. Let me go through the deposition exhibits with
13 you as quickly as possible starting with Exhibit Number
14 2. Have you seen this document before?

15 A. I have not.

16 Q. All right. Let's move to Number 3. Have you
17 seen the document marked as Exhibit Number 3 before?

18 A. I believe I have.

19 Q. Okay. When was the first time you saw that
20 document?

21 A. I believe this was the one I saw in January
22 '04.

23 Q. All right. Moving on to Exhibit Number 4, have
24 you seen this document before?

25 A. No, I don't believe I've seen this.

1 Corporation registered that dba name in the State of
2 Virginia?

3 A. I don't think so.

4 Q. Okay. Do you have any reason to believe that
5 it did register that dba name in the State of Virginia?

6 A. No, I don't.

7 Q. When you sign documents -- well, what law firms
8 have represented Technology Credit Corporation since the
9 year 2000?

10 MS. CLARK: Well, I'm going to object insofar
11 as I don't see the relevancy. Don't see that that'll
12 lead to the discovery of admissible evidence. Are you
13 talking about the period prior to your filing?

14 BY MR. WILCOX:

15 Q. Can you please answer the question, please?

16 MS. CLARK: And are you -- it's overbroad. Are
17 you asking for any attorneys that have provided advice
18 and counsel or litigation attorneys or everybody?

19 MR. WILCOX: I'll try and narrow the period
20 down for you.

21 BY MR. WILCOX:

22 Q. During the period from 2001 through 2003, what
23 law firms have been retained by Technology Credit
24 Corporation if you know?

25 A. Craig Tighe of Gray Cary.

1 Q. What was that name?

2 MS. CLARK: T-i-g-h-e.

3 THE WITNESS: Craig Tighe, and he's with Gray
4 Cary.

5 BY MR. WILCOX:

6 Q. Okay.

7 A. And Bruce Piontkowski of Ropers, Majeski.

8 Q. Excuse me?

9 A. No, that's it. Did you get that?

10 Q. So those are the only two?

11 A. That I can think of. There was one other
12 gentleman. I can't think of his name, also at Gray Cary
13 of -- Bill Frimel. And I guess Katherine Clark as
14 Ropers, Majeski.

15 Q. Was there litigation between Leasetec or -- I'm
16 sorry.

17 Was there litigation involving both Leasetec
18 and Technology Credit Corporation since 2005 other than
19 this litigation?

20 A. Since 2005?

21 Q. I'm sorry. Since the year 2000.

22 MS. CLARK: By Leasetec, do you mean Leasetec
23 and any of its subsidiaries?

24 MR. WILCOX: Yes.

25 THE WITNESS: Yes, it was.

1 when we arranged this deposition that I could go till 3
2 o'clock, and you wasted an hour this morning trying to
3 get your documents here, and I understand there were
4 logistical problems, but --

5 MR. WILCOX: Katherine, you're spending time
6 right now. Let's move on.

7 MS. CLARK: Okay.

8 MR. WILCOX: All right. I'll let it go to
9 cross.

10 MS. CLARK: Thank you.

11 MR. WILCOX: Does anyone have any cross?

12 MR. DRESSEL: Hold on.

13 EXAMINATION BY MR. DRESSEL

14 BY MR. DRESSEL:

15 Q. Hi, Mr. Hartigan. I'm Todd Dressel on behalf
16 of Extreme Networks, Inc.

17 To your knowledge, has Technology Credit
18 Corporation had any officers or directors that were also
19 officers and directors of Extreme Networks, Inc.?

20 A. No. There have been none.

21 Q. The vendor program that we've been discussing
22 today between Extreme Networks Credit Corporation dba of
23 TCC and Extreme Networks, Inc., was that common during
24 the 2000, 2001 time period?

25 A. Yes, it was very common.

1 Q. Was it known throughout the industry?

2 A. It was industry standard. If you want to do a
3 vendor program, that's how you did it.

4 Q. Is it your understanding that businesses in the
5 Internet business knew about this practice?

6 A. Absolutely.

7 Q. Did Technology Credit Corporation ever do
8 business with any of its customers under the name
9 Extreme Networks, Inc.?

10 A. No.

11 Q. Is it your understanding that it was the
12 practice of TCC doing business as Extreme Networks
13 Credit Corporation that it did its business with
14 customers under the name of Extreme Networks Credit
15 Corporation?

16 A. Yes.

17 Q. Okay. During your testimony you -- we had a
18 discussion regarding or statements made by you that the
19 customer was in effect dealing with the supplier. In
20 the situation where Extreme Networks Corporation was
21 working with a customer for the leasing of Extreme
22 Networks, Inc. equipment -- strike that. That was
23 horrible. Let me rephrase that.

24 MS. CLARK: I think you meant to say Extreme
25 Networks Credit Corporation.

1 BY MR. DRESSEL:

2 Q. Was it the desire of these customers to use
3 Extreme Networks, Inc. equipment?

4 A. It was.

5 Q. And was it your purpose to facilitate that
6 through providing finance and leasing to these companies
7 under the name of Extreme Networks Credit Corporation?

8 A. Correct.

9 Q. And was that what was done in this case with
10 Broadband Office?

11 A. Yes, that was exactly what was done.

12 Q. I just want to make sure. In your initial
13 conversation with Mr. Davis regarding the documents
14 related to Broadband Office, did you state that you were
15 obtaining the documents to help show who actually
16 received the payments?

17 A. Yes.

18 Q. Okay. You stated that it was your
19 understanding that Mr. Davis was outside counsel for
20 Extreme Networks, Inc. Did Mr. Davis state that to you?

21 A. I believe he did.

22 Q. Okay. Is it your contention that Bill Frimel
23 was representing the interests of Technology Credit
24 Corporation related to this lawsuit?

25 A. No, he was not.

1
2
3 STATE OF CALIFORNIA)
4) ss.
COUNTY OF SANTA CLARA)
5
6

7 I, Irene A. Resler, a Certified Shorthand Reporter
8 in and for the State of California, hereby certify that
9 the witness in the foregoing deposition,

10 JAMES HARTIGAN,

11 was by me duly sworn to tell the truth, the whole truth,
12 and nothing but the truth in the within-entitled cause,
13 and that the foregoing is a full, true and correct
14 transcript of the proceedings had at taking of said
15 deposition, reported to the best of my ability and
16 transcribed under my direction.

17
18 Date: January 14, 2007. Irene A. Resler
19 CSR Number C-7685
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